THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23646 OF 2005

07.11.2005

Between:

1. Smt.M.Laxmi Bai, W/o.Late Mandala Narasimha

and others

… Petitioners

AND

The Addl. Commissioner, Municipal Corporation of Hyderabad,

Secunderabad Division, Secunderabad.

… Respondent

ORDER:

The petitioners claim to be owners of land admeasuring 13,965 Sq.yards by reason of a partition decree in O.S.No.52 of 1970 on the file of the Court of the Additional Chief Judge, City Civil Court, Secunderabad. Under an impression that no permission is required from Municipal Corporation of Hyderabad (MCH) under Hyderabad Munitipalities Act, 1955 (the Act, for short), the petitioners appear to have commenced the work for erection of fencing to protect the land. The officials of the respondent corporation stopped the work and advised the petitioners to obtain permission from MCH. Therefore the present writ petition is filed seeking direction to the respondent not to interfere with the activity of the petitioners in erecting fencing to the land.

After hearing the learned Counsel for petitioners and learned Standing Counsel for MCH, this Court is of considered opinion that under the provisions of the Act even for an erection of a compound wall or fencing surrounding the land, prior permission of MCH is required. Therefore the petitioner is given liberty to make appropriate application to MCH within a period of two weeks seeking permission for construction of compound wall or fencing. As and when such application is made with necessary fee, MCH shall consider the same and pass appropriate orders within a period of four weeks thereafter.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

_____

November 07, 2005. (**V.V.S.RAO,J**)

YS